



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,630	07/13/2001	Vadim Antonov	005642.P001	3706
7590	10/18/2004		EXAMINER	
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard, Seventh Floor Los Angeles, CA 90025-1026			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OK 9

Office Action Summary	Application No.	Applicant(s)	
	09/905,630	ANTONOV ET AL.	
	Examiner	Art Unit	
	CHAMELI C DAS	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-42 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

Art Unit: 2122

1. This action is in response to the amendment filed on 7/13/04.
2. Claims 1 and 16 have been amended.
3. Claims 1-42 have been rejected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Mattaway et al, (Mattaway), US 6,226,678.

As per amended claims 1, and 16, Mattaway discloses:

Dynamically matching a first type of the first process and a second type of the second process (Mattaway, col 17, lines 1-20), where Webphone software able to communicate between first process and second process (col 17, lines 15-2) and the Webphone API utilizes to transfer data of different type(col 17, lines 5-8) and Webphone transfers the data in real-time (dynamically). It clearly shows that “Dynamically matching a first type of the first process and a second type of the second process” as claimed and (col 20, lines 43-56).

Using a library to dynamically match the first type of the first process and the second type of the second process (Mattaway, col 17, lines 1-20, col 20, lines 43-56),

Mattaway discloses that the system establishes a real-time communication (see Abstract) using dynamic link library (col 15, lines 46-54).

For the rest of the limitations of claim 1, see the rejection of claim 1 in the previous office action.

For the rest of the limitations of claim 16, see the rejection of claim 16 in the previous office action.

Response to the Arguments

5. Applicant's argument filed on 9/13/04 have been fully considered but they are not persuasive. In remarks, the applicant argues in substance:

(1) Mattaway does not disclose dynamic type matching.

Response:

(1) Mattaway discloses dynamic type matching (Mattaway, col 17, lines 1-20, col 20, lines 43-56, Abstract, and col 15, lines 46-54. See the rejections of claim 1 and 16 above.

(2) Mattaway does not disclose "the flow control **backs up** information at the flow origin".

Response:

(2) Mattaway discloses "the flow control **backs up** information at the flow origin" (Mattaway, col 12, lines 15-35), where a signal (flow control) is delivered from a process unit to a second processing unit and the second processing unit extracts the

session number and the IP address (information) and transmits or sends (backs up) the session number (information) to the first processing unit (flow origin). It clearly shows that the flow control backs up information to the origin (first processing unit).

(3) Mattaway does not disclose "preventing an overflow of information to a flow recipient".

Response:

(3) Mattaway discloses "preventing an overflow of information to a flow recipient" is shown in column 19, lines 30-50, where the client wishes to receive all the records (information) (col 19, lines 34-35), and when the number of records (information) are ***excessively large (overflow)***, the system transmits a <INFO ABORT> packet (***col 19, lines 35-36***). It clearly shows that by sending <INFO ABORT> packet the system prevents the overflow of information.

(4) Neither Mattaway nor the computer Dictionary provides sufficient motivation or any reasonable expectation of success to one of the ordinary skill in the art to modify the disclosure in Mattaway with the definition of asynchronous connection in the computer dictionary.

Response:

(4) Examiner strongly disagree with the statement that there is a lack of motivation to one of the ordinary skill in the art to modify the disclosure in Mattaway with the definition of asynchronous communications in the computer dictionary.

As per claim 26 and claim 32, Mattaway discloses a ***dynamic communication*** between a first process and a second process by using a dynamic link library (abstract, col 4, lines 38-40, col 15, lines 10-15). Mattaway does not specifically disclose ***asynchronous*** communication. However, ***Asynchronous communication or asynchronous data transmission is well known in the art.*** The examiner cited "computer dictionary's" definition for "asynchronous transmission".

The modification would be obvious because the transmission can proceed independently and does not need to depend the timing of other process, i.e., the system has a potential flexibility to transmit the data because asynchronous transmission does not need to depend on the receiver's state.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (703) 305-1339. The examiner can normally be reached on 7-3:30.

After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
10/12/04